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Attorneys for Defendant
 APPLE COMPUTER, INC.

Attorneys for Plaintiff And The Proposed
 Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 1-10-06

JAMES M. WIMMER, individually and on)
 behalf of all others similarly situated,)

Plaintiff,)

v.)

APPLE COMPUTER, INC.,)

Defendant.)

Case No. C-05-04244 RMW

STIPULATION RE: ~~PROPOSED~~
CASE MANAGEMENT ORDER NO. 1

1 WHEREAS, the original complaint in the above-referenced case was filed on October 19,
2 2005, asserting claims on behalf of a putative nationwide class of consumers against Defendant
3 APPLE COMPUTER, INC. ("Apple"), and concerning alleged scratching problems inherent with
4 the ipod Nano digital music player ("Nano"), and subsequently amended on October 25, 2005;

5 WHEREAS, related class action complaints subsequently have been filed in this Court and
6 in other courts;

7 WHEREAS, Plaintiff JAMES M. WIMMER ("Wimmer") and Apple believe and agree that
8 it would serve the interests of judicial economy and efficiency for this Court to enter a Case
9 Management Order in the form of the proposed order attached hereto as **Exhibit A** and
10 incorporated herein by reference;

11 NOW, THEREFORE, the parties, by and through their counsel, hereby agree and stipulate
12 to the entry of an order in the form of the proposed order attached hereto as **Exhibit A**.

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16 Dated: December 19, 2005

PENELOPE A. PREVOLOS
ANDREW D. MUHLBACH
HEATHER A. MOSER
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19 By: 

20 Andrew D. Muhlbach

21 Attorneys for Defendant
22 APPLE COMPUTER, INC.
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1 DATED: December 19, 2005

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27 **IT IS SO ORDERED.**

28 DATED: 1-10-06, ~~2005~~

/S/ RONALD M. WHYTE

**HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT COURT**